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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,645	01/11/2001	Satoaki Nakagawa	0925-0165P	8027
2292	7590	10/03/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			NGUYEN, HUY THANH	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2621	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/757,645	NAKAGAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 July 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 ,8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of the admitted prior art , Fig. 2, specification pages 1-3.

Regarding claims 1 and 8, Inoue discloses a receiver for displaying received broadcast electric waves including:

a first memory for storing as a past record information representing whether the signal receiver was previously subjected to initial setup (previously reserved record information, column 15, lines 35-68) );

an alarm device (display device ) for alarming the necessity of initial setup of the signal receiver when the connection of a power source plug to an external power source is detected whereby a user can surely perform the initial setup (initial set up for recording reservation, column 13, lines 35-68, column 15, lines 35-68); and

a controller for controlling the setup .

Inoue fails to teaches means for detecting a connection of a power source to an external power source

The admitted prior art teaches a control means for recognizing and detecting a connection of a receiver with a external power source ( Fig. 2, the specification pages 1-3).

It would have been obvious to one of ordinary skill in the art to modify Inoue with the admitted prior art by providing Inoue apparatus with a control means as taught by

the admitted prior art for detecting a connection of the power source with an external power source thereby enhancing the capacity of the Inoue apparatus for further controlling the receiver.

Method claim 14 corresponds to apparatus claims 1 and 8. Therefore method claim 14 is rejected by the same reason as applied to apparatus claims 1 and 8.

Regarding claim 11, Inoue further teaches initial settings are selecting from channels or time data (Fig. 6) .

Regarding claim 12, Inoue further teaches the initial settings are detected by a controller and are automatically programmed (column 13, lines 35-68, column 15, lines 35-68).

Regarding claim 13, Inoue as modified with the admitted prior art as modified with Yoshimoto further teaches the receiver includes a VCR. (see the admitted prior art Figs 1-2, pages 1-3.

4. Claims 2 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al in view of the admitted prior art , Fig. 2, specification pages 1-3 as applied to claim 1 above, further in view of Nagano et al (6,370,317).

The admitted prior art as modified with Yuen fails to specifically teach using a light emitting element which is provided inside the button and can be actuated to be turned on and off as a warning .

Nagano teaches using light emitting element as a warning device for a set condition of the apparatus (column 16, lines 15-30). It would have been obvious to one

of ordinary skill in the art to modify the admitted prior art as modified with Yoshimoto with Nagano by using a light emitting element as taught by Nagano as an alternative to warning means of the apparatus of the admitted prior art as modified with Yuen for providing a warning .

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al in view of the admitted prior art , Fig. 2, specification pages 1-3 and Nagano et al as applied to claim 9 above, further in view of Yoshida (5,517,321).

Inoue as modified with the admitted prior art and Nagano fails to teach means for generating audible warning as recited in claim 10. However, it is noted that using a control means for generating visual or audible warning when an abnormal condition is detected is well known in the art as taught by Yoshida (column 1 lines 35-60). It would have been obvious to one of ordinary skill in the art to modify Inoue with Yoshida by providing the admitted prior art with audible warning as taught by Yoshida as an additional alarm for warning the user of the apparatus .

#### ***Allowable Subject Matter***

6. Claim 4 is allowed.

7. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HUY NGUYEN  
PRIMARY EXAMINER